

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|---|---|-----------------------|
| ANNE L. STEWART, on behalf of herself and all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | Case No. 07 CV 6340 |
| |) | |
| v. |) | Judge Coar |
| |) | |
| |) | Magistrate Judge Cole |
| GINO'S EAST RESTAURANT CORP. |) | |
| BRAVO RESTAURANTS, INC., BG EAST, |) | |
| LLC, EG SERVICES CORP., GINO'S EAST |) | |
| SERVICES, LLC, and DOES 1-10, |) | |
| |) | |
| Defendants. |) | |
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| |) | |
| BG EAST LLC, |) | |
| |) | |
| Defendant/Third-Party Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| DATA WAVE, INC. |) | |
| |) | |
| Third-Party Defendant. |) | |
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MOTION FOR ENTRY OF PROPOSED DOCUMENT PROTECTION ORDER

Defendants Gino's East Restaurant Corp., Bravo Restaurants, Inc., BG East, LLC, EG Services Corp. and Gino's East Services, LLC (hereinafter "Defendants"), by and through their attorneys, Daniel S. Kaplan and Marcia G. Cotler, hereby bring this Motion for Entry of Proposed Document Protection Order and in support thereof state as follows:

1. Plaintiff filed a class action lawsuit alleging violations of the Fair and Accurate Credit Transactions Act of 2003 "FACTA", 15 U.S.C. 1681c(g). In essence, Plaintiff alleges

that Defendants violated FACTA when they allegedly failed to remove the expiration date from credit card receipts provided to restaurant customers.

2. Plaintiff propounded discovery seeking disclosure of sensitive and confidential financial information including credit and debit card account information belonging to restaurant patrons as confidential financial information belonging to the Defendants.

3. Specifically, Plaintiff seeks disclosure of Defendants' profit and loss statements, tax records, "Merchant Statements" and "Batch Reports." The information sought by Plaintiff reveals not only confidential credit and or debit card account information belonging to restaurant customers, but further discloses sales volume and tax information which is proprietary and confidential to Defendants.

4. Moreover, Plaintiff has issued subpoenas to a number of third party credit and debit card companies seeking information regarding Defendants' "Merchant Statements" and "Batch Reports." These Statements and Reports contain customer credit and debit card account information as well as confidential financial and proprietary information belonging to Defendants. These third parties need assurances that the information sought will be used solely for the limited purposes of this litigation and will be protected from improper public dissemination which could potentially lead to use of this confidential information for purposes of identity theft and/or credit card fraud.

5. The proposed order is not overly broad and is narrowly tailored to protect those sensitive materials which are either proprietary in nature to the Defendants and/or which reveal confidential financial information belonging to Defendants' customers which warrants protection from public access.

6. The terms of this proposed protective order have been agreed upon by counsel for Defendants and counsel for Plaintiff who have met and conferred in good faith on a number of occasions in an attempt to resolve this discovery issue. The parties have complied with Fed.R. Civ. P. 37(a)(2)(A) and Local Rule 37.2 at their latest discovery conference, which occurred telephonically on April 30, 2008 at approximately 3:00 p.m. between Daniel S. Kaplan as attorney for Defendants and Michael Greenwald as attorney for Plaintiff.

7. Pursuant to Judge David H. Coar's Rules and the U.S. District Court for the Northern District of Illinois' Local Rules, the proposed Protective Order has been submitted to the Judge via email, in a format compatible with WordPerfect, to the email address Proposed_Order_Coar@ilnd.uscourts.gov, to consider, to modify, if appropriate, and to enter electronically. The said proposed Protective Order has been served on all parties.

WHEREFORE, Defendants respectfully request that this Court consider their proposed Protective Order and enter such Order upon this Court's review and approval.

Dated: May 2, 2008

Respectfully submitted,
Gino's East Restaurant Corp.,
Bravo Restaurants, Inc.,
BG East, LLC, EG Services Corp. and
Gino's East Services, LLC

By: /s/Daniel S. Kaplan
One of their attorneys

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